

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSEPH V. DIFELICE, JR.	:	CIVIL ACTION NO. 02-3641
	:	
V.	:	
	:	
AETNA/U.S. HEALTHCARE, ET AL.	:	

**PLAINTIFF'S RESPONSE TO AETNA/U.S. HEALTHCARE'S  
MOTION TO DISMISS**

Plaintiff requests that the Court deny the instant motion as moot, given plaintiff's stipulation to dismiss Aetna/U.S. Healthcare as a party to this action, with prejudice.

Respectfully submitted,

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JAMES I. DEVINE, ESQUIRE  
Attorney for Plaintiff

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**PLAINTIFF'S BRIEF IN SUPPORT OF RESPONSE TO AETNA/U.S.  
HEALTHCARE'S MOTION TO DISMISS**

Joseph V. DiFelice, Jr., plaintiff, by his undersigned counsel, forwarded to counsel for Aetna/U.S. Healthcare a Stipulation to Dismiss all claims and cross-claims against Aetna/U.S. Healthcare only, attached as Exhibit "A". Consequently, the instant motion to dismiss should be denied as moot.

WHEREFORE, plaintiff respectfully requests that the instant motion be denied as moot.

LAW OFFICES OF JAMES I. DEVINE

BY: \_\_\_\_\_  
JAMES I. DEVINE  
Attorney for Plaintiff,  
Joseph V. DiFelice, Jr.

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**ORDER**

AND NOW, this                      day of                      , 2004, upon consideration  
of defendant Aetna/U.S. Healthcare's motion to dismiss and plaintiff's response thereto,  
it is hereby ORDERED that said motion is DENIED AS MOOT.

BY THE COURT:

\_\_\_\_\_  
John P. Fullam, J.

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CERTIFICATE OF SERVICE

I do hereby certify that service of a true and correct copy of the Plaintiff's Brief in Support of Response to AETNA/U.S. Healthcare's Motion to Dismiss was served to the following by first class mail/postage pre-paid on September 13, 2004 to the following:

Cathy A. Wilson, Esquire  
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LAW OFFICES OF JAMES I. DEVINE

DATE: \_\_\_\_\_

BY: \_\_\_\_\_  
JAMES I. DEVINE  
Attorney for Plaintiff